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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,036	09/17/2003	Shinichi Handa	DAIN:754	2578
6160	7590	10/18/2004		
PARKHURST & WENDEL, L.L.P. 1421 PRINCE STREET SUITE 210 ALEXANDRIA, VA 22314-2805			EXAMINER LEURIG, SHARLENE L	
			ART UNIT 2879	PAPER NUMBER

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,036

Applicant(s)

HANDA ET AL.

Examiner

Sharlene Leurig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>031104.041204</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on July 29, 2004 has been entered and acknowledged by the examiner.

Information Disclosure Statement

2. The information disclosure statement filed March 11, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. No copy of cited Japanese reference 2002-85624 has been provided.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Chien (US 2002/0003697 A1) (of record).

Regarding claim 6, Chien discloses a pattern display apparatus comprising a stationary display member (Figure 1-E), and a flexible organic EL device located on an

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outer surface of the stationary display member, the flexible OEL device capable of displaying at least one of a first character, a first figure, a first mark and a first pattern comprising at least one of a said character, a second figure and a second mark.

Regarding claim 7, the claim limitation of the stationary display member being used in a point of purchase advertisement is a statement of intended use and does not differentiate the claimed apparatus from the prior art apparatus of Chien, which satisfies the claimed structural limitations.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold et al. (6,027,115) (of record) in view of Carcia et al. (6,720,203) (of record).

Regarding claim 1, Griswold discloses a pattern display apparatus comprising a rotary display member (Figure 2), and a flexible electroluminescent device located on an outer surface of the rotary display member, the flexible EL device displaying at least one of a first character, a first figure, a first mark and a first pattern comprising at least one of said character, second figure and a second mark.

Griswold fails to exemplify an organic EL layer.

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Carcia teaches a display device having an organic EL layer for multiple color emission.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display apparatus of Griswold to have an organic EL layer as taught by Carcia in order to provide an emissive layer with the desired color emission.

Regarding claim 2, the apparatus disclosed by Griswold has at least one of a first figure, a first mark and a first pattern comprising a second pattern, and the rotary display member rotates to display the second pattern as a variable pattern, which when stopped displays the second pattern as a still pattern.

Regarding claim 4, Griswold discloses a flexible EL device having a laminated structure comprising layers ordered in the sequence of a flexible base layer (450), a first electrode layer (405), an EL layer (453), a second electrode layer (423) and a flexible sealing layer (457).

Regarding claim 5, Griswold discloses a laminated structure further comprising an insulating layer (455) of a predetermined pattern located between the first electrode layer and the second electrode layer.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chien (US 2002/0003697 A1) (of record) in view of Carcia et al. (6,720,203) (of record).

Chien discloses a pattern display apparatus comprising a flexible OEL having a laminated structure including a substrate, a first electrode, an EL layer, and a second electrode (paragraph 0014).

Chien fails to exemplify an OEL having a top sealing layer.

Carcia teaches a flexible organic EL device having a flexible sealing layer (60) provided on top of the OEL device in order to protect the device from degradation resulting from exposure to moisture or air (column 4, lines 45-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the OEL device of Chien to have a flexible sealing layer provided above the top electrode, as taught by Carcia, in order to protect the OEL device while maintaining its flexibility.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chien (US 2002/0003697 A1) (of record) in view of Carcia et al. (6,720,203) (of record), as applied to claim 8 above, and further in view of Kawasaki et al. (6,281,552) (of record).

Chien discloses a pattern display apparatus comprising a flexible OEL having a laminated structure including a substrate, a first electrode, an EL layer, and a second electrode (paragraph 0014).

Chien fails to exemplify an OEL having an insulating layer formed between the first and second electrodes or an OEL having a top sealing layer.

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Carcia teaches a flexible organic EL device having a flexible sealing layer (60) provided on top of the OEL device in order to protect the device from degradation resulting from exposure to moisture or air (column 4, lines 45-55).

Carcia fails to exemplify an insulating layer formed between the electrodes.

Kawasaki teaches an EL device having an insulating layer (Figure 15B, element 2028) formed between the first (2027) and second (2030) electrodes and formed in a predetermined pattern in order to limit light emission to a predetermined area.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the OEL device of Chien to have a flexible sealing layer provided above the top electrode, as taught by Carcia, in order to protect the OEL device while maintaining its flexibility, and to further modify it to have an insulating layer formed between the electrodes to provide light emission in the desired pattern, as taught by Kawasaki.

Response to Arguments

9. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharlene Leurig whose telephone number is (571) 272-2455. The examiner can normally be reached on Monday through Friday, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sll


ASHOK PATEL
PRIMARY EXAMINER